

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554

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In the Matter of

Amendment of Parts 2 and 25 to Implement
the Global Mobile Personal Communications
by Satellite (GMPCS) Memorandum of
Understanding and Arrangements

IB Docket No. 99-67

Petition of the National Telecommunications
and Information Administration to Amend
Part 25 of the Commission's Rules to
Establish Emissions Limits for Mobile and
Portable Earth Stations Operating in the
1610-1660.5 MHz Band

RM No. 9165

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

COMMENTS OF IRIDIUM NORTH AMERICA

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, Iridium U.S., L.P. ("Iridium North America" or "INA") hereby submits these Comments in response to the Commission's Notice of Proposed Rule Making in IB Docket No. 99-67.¹

Iridium North America is an international CMRS carrier responsible in the United States for marketing Iridium services, selecting service providers, and managing relations with subscribers directly or through service providers. As part of these functions, it is also

¹ In the Matter of the Application of Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements
Petition of the National Telecommunications and Information Administration to Amend Part 25 of the
Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the
1610-1660.5 MHz Band, Notice of Proposed Rule Making ("NPRM"), 64 Fed. Reg. 16687 (April 6, 1999).

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responsible for importing and distributing Iridium subscriber units ("ISUs"), which provide subscribers with mobile access to the satellite system as well as to terrestrial wireless systems.²

Iridium North America joins in, and incorporates herein, the Comments of Motorola, Inc. ("Motorola") and Iridium LLC ("Iridium") submitted in response to the NPRM.³ In addition, Iridium North America supports the Commission's proposal to require that the U.S. service providers ensure that any GMPCS terminal operated in the United States complies with the Commission's Rules and does not cause interference. Iridium North America also supports the Commission's proposal to allow devices bearing the ITU mark to be exempted from the current import conditions set forth in Section 2.1204(a). However, Iridium North America asks to Commission to exempt imported devices inherently capable of functioning only outside the U.S. and bearing the ITU mark from the restrictions of Section 2.1204(a).

I. Iridium North America Supports the Commission's Position Regarding Equipment Certification Enforcement

The NPRM proposes to enforce GMPCS certification requirements in the same manner as other telecommunication equipment certified under Part 2.⁴ As stated in the Comments submitted in this proceeding by Motorola, "GMPCS operators are able to maintain control over and ensure uniformity of the technical characteristics of the terminals used within their systems because manufacturers of GMPCS terminals typically will be approved or certified by the system

² See Application of U.S. Leo Service, Inc. for Blanket Authority to Construct and Operate Up to 200,000 Portable Handheld Earth Stations for Use with the IRIDIUM System in the 1616-1626.5 MHz Band, Order and Authorization, 11 FCC Rcd 20474 (1996). This authorization was subsequently assigned to INA. See Report No. 1868, August 5, 1998.

³ INA specifically agrees with the comments made by Motorola and Iridium in response to the Commission's proposals with respect to the blanket licensing process for GMPCS terminals. See Motorola Comments at 7; Iridium Comments at 5.

⁴ NPRM at ¶ 42.

operator.”⁵ Therefore, a U.S. service provider is unlikely to use terminals that are different technically whether they were certified and sold inside or outside the U.S. Most importantly, under these circumstances GMPCS terminals are not likely to cause interference to other systems or services, consistent with the Commission’s goals as stated in the NPRM.

II. Dual-Mode GMPCS Devices Bearing the ITU Mark and Otherwise Inherently Capable of Functioning Only Outside the U.S. Should Be Exempt from Import Restrictions

The Commission proposes to amend the current import conditions set forth in Section 2.1204(a) to exempt devices bearing the ITU mark and to require all GMPCS terminals sold or leased in the U.S. to be FCC certified.⁶ The Commission also requests comment on how the proposed GMPCS rules should address the unique case of dual-mode cellular/GMPCS terminals that cannot be certified to a standard common to the U.S.⁷

Iridium North America generally supports the Commission’s proposals with regard to exemption for devices bearing the ITU mark and requiring GMPCS terminals to be certified. However, it strongly believes that a further exemption is required for dual-mode handsets bearing the ITU mark when the handsets are for use by U.S. subscribers traveling outside the U.S. This dual-mode terminal issue was raised by the Commission in the context of another Commission proceeding which proposed to amend Section 2.1204 of the Rules to address enforcement concerns associated with imported radio frequency devices.⁸ Such handsets, which

⁵ Motorola Comments at 7.

⁶ NPRM at ¶¶24, 26.

⁷ Id. at ¶43.

⁸ See In the Matter of Amendment of Part 2, Subpart K of the Commission’s Rules Regarding the Importation of Radio Frequency Devices Capable of Causing Harmful Interference, Order and Notice of Proposed Rule Making, 63 Fed. Reg. 35,9001 (July 1, 1998).

are designed to function as GMPCS terminals and as cellular transceivers, should not be prohibited from importation because the cellular device is inherently capable of functioning only outside the U.S. and therefore cannot cause interference to any other terminal or service in the U.S.

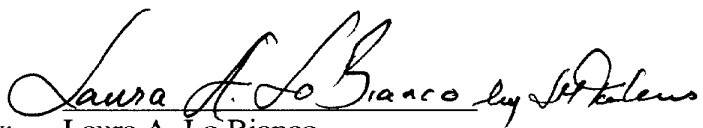
Iridium North America therefore urges the Commission to amend Section 1.1204 so that dual-mode cellular/GMPCS terminals bearing the ITU mark that are also inherently capable of functioning as cellular handsets only outside of the U.S. should be exempt from additional FCC certification and limitations on importation.

III. CONCLUSION

For the reasons discussed herein, Iridium North America supports the Commission's GMPCS-MoU implementation proposals and joins in the Comments of Motorola. Iridium North America also agrees with the Commission's proposal to allow devices bearing the ITU mark to be exempt from the importation conditions set forth in Section 2.1204(a). However, Iridium North America urges the Commission to exempt importation of dual-mode cellular/GMPCS that bear the ITU mark and are capable of functioning only outside the U.S.

Respectfully submitted,

Iridium North America

By:  Laura A. Lo Bianco
Senior Attorney
Iridium North America
8440 S. River Parkway
Tempe, AZ 85284
(480) 752-1104

Date: June 21, 1999

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was served this 21st day of June, 1999, by hand delivery (or first class mail where indicated by an asterisk (*)) on the following:

Roderick K. Porter, Acting Chief
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-C752
Washington, D.C. 20554

Fern Jarmulnek
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A523
Washington, D.C. 20554

Karl Kensinger
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A663
Washington, D.C. 20554

Cassandra Thomas
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A666
Washington, D.C. 20554

Bruce D. Jacobs*
Stephen J. Berman
David S. Konczal
Fisher Wayland Cooper Leader & Zaragoza
2001 Pennsylvania Avenue, N.W., Suite 400
Washington, D.C. 20006

Thomas Tycz
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A665
Washington, D.C. 20554

Ronald Repasi
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A505
Washington, D.C. 20554

Frank Peace, Jr.
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 7-A430
Washington, D.C. 20554

Harry Ng
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A668
Washington, D.C. 20554

William H. Bell
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A404
Washington, D.C. 20554

Lon C. Levin*
Vice President and Regulatory Counsel
AMSC Subsidiary Corporation
10802 Park Ridge Boulevard
Reston, VA 20191

Joseph A. Godles*
Goldberg, Godles, Wiener & Wright
1229 19th Street, N.W.
Washington, D.C. 20036

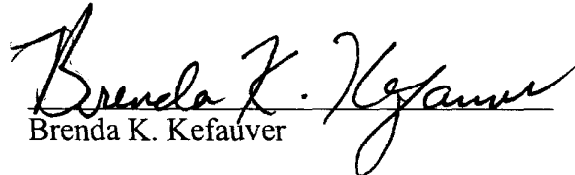
William F. Adler*
Vice President, Legal & Regulatory Affairs
Globalstar, L.P.
3200 Zanker Road
San Jose, CA 95134

Patricia Mahoney*
Audrey Allison
Iridium LLC
1575 I Street, N.W., Suite 900
Washington, D.C. 20005

James A. Kirkland*
Janell Fonsworth Coles
Mintz, Levin, Cohn, Ferris, Glovsky and
Popeo
701 Pennsylvania Avenue, N.W., Suite 900
Washington, D.C. 20004

William D. Wallace*
Crowell & Moring LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Barry Lambergman, manager
Satellite Regulatory Affairs
Motorola, Inc.
1350 I Street, N.W., #400
Washington, D.C. 20005


Brenda K. Kefauver